

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NEW YORK CITY DISTRICT COUNCIL :  
OF CARPENTERS PENSION FUND, :  
et al., :  
: Plaintiffs, :  
: - against - :  
: SCHROEDER BROTHERS, CO., :  
: Defendants. :  
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**VICTOR MARRERO, United States District Judge.**

By Orders dated November 11, 2004, December 3, 2004, January 20, 2005 and January 31, 2005, the Court granted plaintiffs leave to file a motion for summary judgment herein and extended the deadline on numerous occasions at plaintiffs' request. The latest deadline expired on February 22, 2005. No motion was then filed, nor has there been any request for extension or any other correspondence from plaintiffs in this regard. Accordingly, it is hereby

**ORDERED** that the Clerk of Court is directed to dismiss the complaint and close this case pursuant to Federal Rule of Procedure 41(b) for failure of plaintiffs to prosecute and to comply with the Court's scheduling order.

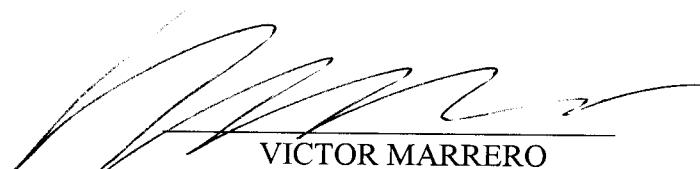
**SO ORDERED.**

Dated: New York, New York  
13 April 2005

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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04 Civ. 3063

**ORDER**



VICTOR MARRERO  
U.S.D.J.